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Practitioner's Docket No. U 014999-3

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Alexei Nikolaevich SHKARUBO, et al  
Application No.: 10/763,294 Group No.: 3764  
Filed: January 22, 2004 Examiner: - -  
For: DEVICE FOR MOUNTING MEDICAL INSTRUMENTS

Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

STATUS INQUIRY

**WARNING:** Submission of a status letter after a Notice of Allowance may subject an application to a reduction in patent term adjustment under 37 C.F.R. § 1.1704(c)(10). See Notice of May 29, 2001, 1247 OG 111-112, June 26, 2001.

1. More than 30 months have passed since

[X] NEW APPLICATIONS  
the filing of this application on January 22, 2004  
No communication has been received from the Patent and Trademark Office indicating action on this application.

[ ] AMENDED APPLICATIONS  
the filing of a response on \_\_\_\_\_.  
No further communication has been received from the Patent and Trademark Office.

[ ] APPEALED APPLICATION  
The Appeal Brief was filed on \_\_\_\_\_

**CERTIFICATION UNDER 37 C.F.R. 1.8(a) and 1.10\***  
(When using Express Mail, the Express Mail label number is **mandatory**;  
Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

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☒ deposited with the United States Postal Service in an envelope addressed to the Commissioner for Patents P. O. Box 1450, Alexandria, VA 22313-1450.

37 C.F.R. 1.8(a)

☒ with sufficient postage as first class mail.

37 C.F.R. 1.10\*

☐ as "Express Mail Post Office to Addressee"  
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TRANSMISSION

☐ transmitted by facsimile to the Patent and Trademark Office. to (571)-273-8306

Date: June 16, 2006

Signature

JULIAN H. COHEN  
(type or print name of person certifying)

\* Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

(check and complete applicable items below)

- ☐ An Examiner's Answer was mailed on \_\_\_\_\_  
☐ A Reply to the Examiner's Answer was submitted on \_\_\_\_\_  
☐ ALLOWED APPLICATIONS  
the mailing of FORM POL-327 and/or Examiner's Amendment on \_\_\_\_\_

2. Kindly advise the undersigned of the present status of this application, by checking the appropriate box below. **A stamped return-addressed envelope is provided.**

NOTE: M.P.E.P. § 203.08 Status Inquiries, 8<sup>th</sup> Edition, cautions as to the submission of status inquiries as follows:

**NEW APPLICATION**

*Current examining procedures now provide for the routine mailing from the Technology Centers (TCs) of Form PTOL-37 in every case of allowance of an application. Thus, the mailing of a form PTOL-37 in addition to a formal Notice of Allowance (PTOL-85) in all allowed applications would seem to obviate the need for status inquiries even as a precautionary measure where the applicant may believe his or her new application may have been passed to issue on the first examination. However, as an exception, a status inquiry would be appropriate where a Notice of Allowance is not received within three months from receipt of form PTOL-37.*

*Current examining procedures also aim to minimize the spread in dates among the various examiner dockets of each art unit and TC with respect to actions on new applications. Accordingly, the dates of the "oldest new applications" appearing in the Official Gazette are fairly reliable guides as to the expected time frames of when the examiners reach the applications or action.*

*Therefore, it should be rarely necessary to query the status of a new application.*

**AMENDED APPLICATIONS**

*Amended applications are expected to be taken up by the examiner and an action completed within two months of the date the examiner receives the application. Accordingly, a status inquiry is not in order after reply by the attorney until 5 or 6 months have elapsed with no response from the Office. A postcard receipt for replies to the Office actions, adequately and specifically identifying the papers filed, will be considered prima facie proof of receipt of such papers. Where such proof indicates the timely filing of a reply, the submission of a copy of the postcard with a copy of the reply will ordinarily obviate the need for a petition to revive. Proof of receipt of a timely reply to a final action will obviate the need for a petition to revive only if the reply was in compliance with 37 C.F.R. 1.113.*

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SIGNATURE OF PRACTITIONER

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## STATUS INQUIRY REPLY

APPLICATION SERIAL NO. \_\_\_\_\_ IS CURRENTLY

- ☐ ASSIGNED TO GROUP \_\_\_\_\_ AND AWAITS:
  - ☐ ACTION BY THE EXAMINER.
  - ☐ APPLICANT'S RESPONSE TO THE OFFICE ACTION MAILED  
\_\_\_\_\_

APPEAL NO. \_\_\_\_\_

- ☐ IS AWAITING ACTION BY THE BOARD OF PATENT APPEALS AND INTERFERENCES
  - ☐ DATE OF HEARING EXPECTED \_\_\_\_\_.
  - ☐ DECISION EXPECTED \_\_\_\_\_.